

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMER B. GAY,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

ORDER

AND NOW, this day of , 2005, upon consideration of Plaintiff's Motion to Reinstate Motion to Compel Discovery, and Major Mooney's Response thereto, it is hereby ORDERED that Plaintiff's Motion to Compel is granted in part and denied in part. Major Mooney will respond to the discovery requests – which deal only with the issues that remain in this case – by June 2, 2005. Plaintiff's Motion to Reinstate Motion to Compel discovery responses pertaining to issues previously dismissed by this Court's Memorandum and Order dated March 1, 2005 is denied.

BY THE COURT:

NORMA L. SHAPIRO, S.J.

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	:	
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	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

**RESPONSE TO PLAINTIFF'S MOTION TO REINSTATE MOTION TO
COMPEL DISCOVERY**

Defendant Mooney does not oppose Plaintiff's Motion to Reinstate Motion to Compel responses to discovery requests pertaining to the issues which remain in this case after this Court's March 1, 2005 Memorandum and Order dismissing the majority of plaintiff's claims.¹ To the extent that plaintiff requests discovery no longer relevant to the pending claim(s), Major Mooney opposes Plaintiff's Motion to Reinstate Motion to Compel. Accordingly, Plaintiff's Motion to Reinstate Motion to Compel should be granted in part and denied in part as set forth in the proposed Order.

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
Patrick J. McMonagle
Deputy Attorney General
Identification No. 83890

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21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107-3603

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

¹ Plaintiff's first and second Motions to Reconsider this Court's March 1, 2005 Memorandum and Order are presently pending.

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CERTIFICATE OF SERVICE

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendant's Response to Plaintiff's Motion to Reinstate Motion to Compel Discovery was filed electronically and is available for viewing and downloading from the ECF system as of May 19, 2005. I further certify that a true and correct copy of said document was mailed on May 20, 2005:

Wilmer Gay
Inmate AF-2709
State Correctional Institution - Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
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